

# Committee on Resources

## Subcommittee on National Parks and Public Lands

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### Testimony

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**STATEMENT OF ALAN R. STEPHEN  
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SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS  
U.S. HOUSE OF REPRESENTATIVES  
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Thank you, Mr. Chairman and members of the committee, for inviting me to appear today. I want to echo the comments of my colleague, Steve Bassett, in noting our keen appreciation for your continuing focus on, and support for, maintaining a viable air tour industry at Grand Canyon. Unfortunately, neither the FAA nor the National Park Service can be similarly commended; indeed, if I were to grade the agencies' actions of late, it would be no higher than an "F."

I first became involved in the regulation of the air tour industry at Grand Canyon more than 15 years ago as executive vice president of the Regional Airline Association on behalf of its member companies, Scenic and Grand Canyon Airlines. We supported passage of the National Parks Overflight Act in 1987, and in fact, I appeared before this committee then, testifying in favor of it.

For the past twelve years, I have been president of Twin Otter International, Ltd., the company that modifies the 19 passenger seat DeHavilland Twin Otter into a highly specialized air tour aircraft we call the "Vistaliner." Among its many custom features, we have incorporated specially designed quiet props that make the Vistaliner among the quietest aircraft flying anywhere. The Vistaliner is one of just two air tour airplane types that meet FAA's proposed category C quiet aircraft standards. There are 22 of our Vistaliners in tour service at Grand Canyon. They account for about 35 percent of the 800,000 fixed wing and helicopter passengers flying over Grand Canyon annually.

Prior to the sale of its air tour operations in 1993, Twin Otter International was also Scenic Airlines, then and now, the largest air tour company in the world. Because of my background as the chief executive at Scenic then and vice president of operations at Grand Canyon Airlines now (Grand Canyon Airlines is an owned affiliate of Twin Otter International), I was pleased to be asked and serve as a member of the nine person National Park Overflights Working Group (NPOWG). We were tasked to develop comprehensive recommendations for the Secretaries of Transportation and Interior on

how to regulate aerial sightseeing over national parks nationwide. We accomplished that task last year after fifteen months of exhausting negotiations. Our recommendations preserve FAA's role in airspace regulation while creating a process by which air tour visitors at our national parks will have minimum impact on ground visitors, park resources and native Americans. We support legislation now before Congress to make those NPOWG recommendations federal law.

Others on this panel can better speak to the faulty, if not disingenuous, science NPS congers up in its notice "Change in Noise Evaluation Methodology for Air Tour Operations over Grand Canyon National Park." I want to speak instead to its implications for air tourism at Grand Canyon and over other national parks.

In its notice, NPS has now zoned Grand Canyon in order to "allow noise thresholds to be tailored to the circumstances of each zone." For one third of the park (approximately 400,000 acres) the threshold of natural quiet is ambient plus 3 dB(a). For the remaining two thirds (or 800,000 acres), the threshold has been set at ambient minus 8 dB(a). While I am no expert in acoustics, I have been told that ambient minus 8 dB(a) is a threshold of sound like listening to one's blood circulating.

This absurd threshold definition, in and of itself, does not render a fatal blow to the air tourism industry at Grand Canyon. As a member of the NPOWG, frankly, I feel betrayed by it however. It was never the subject of discussion within the NPOWG deliberations even though the people behind this definition attended, or were represented, at each and every NPOWG session. If this NPS definition of natural quiet is to become a national standard--then NPS has rendered the hard work of the NPOWG as a pointless exercise. No aircraft of any sort, except gliders, can fail to be detected under these thresholds and the inevitable result will be a ban on all air tours over all national parks. Meanwhile, commercial, military and general aviation will remain unaffected and, therefore, there will not be natural quiet for national park visitors due to the sounds of such aircraft activities.

While the new threshold for establishing natural quiet is nothing more than a definition, the new and ever more onerous restrictions that FAA and NPS intend to propose at Grand Canyon in the coming months will have profound consequences for air tourism. Let me begin by reviewing briefly the chronology of NPS actions at Grand Canyon in the name of "substantial restoration of natural quiet and experience" from air tour sound at Grand Canyon.

The National Parks Overflight Act of 1987 in part was justified on regulating air tours over Grand Canyon in such a way as to minimize aircraft sound for both back and front country visitors at ground level. Prior to the Act, NPS was averaging more than 1,000 written complaints a year regarding aircraft (whether air tour or not) from approximately

2.5 million visitors coming annually to Grand Canyon during the mid-1980s. With implementation of the Grand Canyon Special Flight Rules Area regulations (SFAR 50-2), those complaints nose-dived in the 1990s to only several dozen a year while Canyon visitation has now doubled to some 5.0 million visitors each year.

Aircraft overflight problem solved--reasonable people would think so--but not the National Park Service. Ground visitors are no longer part of NPS's noise calculations. Now NPS has demanded at Grand Canyon that 50 percent of the park must achieve "natural quiet" for 75 to 100 percent of the day. The NPS definition of "day" is daylight--not 24 hours. The NPS threshold of audibility is mechanically derived whether there are ground visitors there to hear aircraft or not. (NPS would have the fixed-wing air tour route on the east end of Grand Canyon extend beyond the north park boundary even though the Grand Canyon North Rim is closed to visitation seven months of each year.) And the threshold of audibility NPS employs at Grand Canyon to determine if there is natural quiet over 50 percent of the park 75 to 100 percent of the day--is being set as low as ambient minus 8 dB(a).

All this is being done utilizing a noise model that is flawed, that remains unvalidated and that FAA cannot substantiate with its own aircraft noise model. Trying to measure whether or not there has been substantial restoration of natural quiet at Grand Canyon using faulty science is analogous to trying to measure the size or weight of something without having standardized measures. I can speak for the entire air tour industry in applauding you, Mr. Chairman, for recognizing early-on the serious credibility problems NPS has created for itself using its noise model and setting such thresholds. I also want to point out that this ambient minus 8

dB(a) threshold was set in stone by NPS without public comment, virtually without explanation or justification and with a dubious promise to seek public comment on the NPS aircraft noise "model validation study" and aircraft "noise monitoring strategy" during the process for the development of its future "comprehensive noise management plan" for air tour operations over Grand Canyon National Park. Wouldn't it be prudent for those model validation and monitoring strategies to be accomplished first before our executive branch adopts a whole new round of restrictions at Grand Canyon? The NPS is not discussing what it has in mind in adopting a "comprehensive noise management plan." Unfortunately, Mr. Chairman and members of this committee, I fear the NPS war against the Grand Canyon air tour industry is far from over.

To achieve its self-serving and never ending goals at Grand Canyon, NPS in partnership with FAA, has barred new air tour companies from flying over Grand Canyon, capped the number of aircraft existing air tour operators can fly over Grand Canyon, prohibited redistribution of aircraft caps from air tour companies that have gone out of existence, and imposed overly restrictive curfews over the east end of the park that are unrelated to actual daylight hours. In the next few months, NPS in partnership with FAA, will propose

additional onerous air tour flight restrictions at Grand Canyon that will include a cap on operations using 1997 as the base year--one of the slowest for the Grand Canyon air tour industry in the past decade--and eliminate the vital Las Vegas-to-South Rim tour route entirely. What else may be proposed at the same time is unknown by us--and the devil is always in the detail of the fine print. In what can be described only as Orwellian logic, air tour aircraft coming from Las Vegas will be flying 10-12 miles south of the park's southern boundary. Meanwhile, a major east-west jet airway located over the entire

277-mile length of the canyon will remain unaffected. Aircraft using that airway can do so 24 hours a day, have many times the flight frequencies each day than all air tours flights combined, and will do so less than 6-7 miles from the park rim.

Implicit in the NPS ambient minus 8 dB(a) notice is that air tours are unwelcome anywhere over Grand Canyon. In taking ground visitors out of the natural quiet noise calculation and substituting in their place a formula for mechanically detectable sounds above an unreasonably low noise threshold, NPS will eliminate air tours over remote and largely inaccessible park lands where few visitors ever go.

As justification for this new definition for natural quiet, NPS states at F.R. Vol. 64, No. 16, page 3971, that it is charged with the "responsibility to preserve park areas and to provide for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations." NPS goes on to state, "Preserving and maintaining natural and cultural 'soundscapes' in areas of the national park system is a component of this responsibility." Finally, NPS concludes, "A concern for the achievement of the 'substantial restoration of natural quiet' in GCNP is analogous to concerns regarding the preservation of wildlife, historic structures or ecosystems that are significant features of parks."

The NPS is making a tangle of its mandates in order to justify its need to issue the revised definition for the threshold of natural quiet. Let me untangle this web regarding its legislative mandates which this committee understands all too well.

NPS is actually charged with two mandates: the first is "to preserve park areas;" the second is "to provide for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations." Air tour overflights comply with the first mandate. Air tour passengers leave no footprints or trash, require no trails or sanitation, and preserve cultural, wildlife, plant and geological features unlike ground visitors.

The second mandate is for NPS "to provide for their (national park units) enjoyment" but "in a manner that will leave them unimpaired for the enjoyment of future generations." Aircraft overflight sound leaves no trace once the event passes; therefore it cannot impair our national parks for the enjoyment of future generations. Period! To argue otherwise, as NPS does, is facetious. This second mandate thus reduces to "provide for their

(national park units) enjoyment" by park visitors. Over the last few years, approximately 800,000 air tour passengers a year have enjoyed Grand Canyon National Park from above it, in comfort and safety, while less than several dozen ground visitors have complained of aircraft sound.

Once again, we must point out that air touring is not about preserving resources: it is a visitor conflict issue in which a small minority must have the ability to experience natural quiet anywhere they chose and regardless of their impact on the geological, cultural and fragile ecosystems at Grand Canyon in two thirds (800,000 acres) of the park subject to the ambient minus 8 dB(a) standard. In doing so, that faction would deny that magnificent experience to air tour passengers.

The NPS argument that aircraft overflight is "analogous" to preservation of "wildlife, historic structures or ecosystems" which can be permanently degraded by ground visitors is less than accurate. Natural quiet can be instantly and fully restored at Grand Canyon...close the park to any means of visitation by motorized craft whether it be aircraft, train, bus, motorcycle, automobile or raft and all that will be left is silence broken only by the sounds of human voice and nature.

Had the National Park Service disclosed its plans to define "natural quiet" during the deliberations of the National Parks Overflights Working Group, our efforts would have been short lived and unproductive. Instead, the NPOWG recognized as a key component of its recommendations that incentives must be offered for air tour operators to convert to category C quiet aircraft. Twelve years ago Congress recognized that quiet aircraft technology rather than caps and curfews was good public policy--and directed that it be studied as part of passage of the National Park Overflights Act of 1987. In its 1996 report to Congress, NPS emphasized the need to provide incentives for air tour operators to convert to quiet aircraft. Our company has spent more than \$1.0 million in research and equipping our Vistaliners to be good neighbors at Grand Canyon--yet not one single quiet aircraft incentive has been adopted by the NPS and FAA. The national parks overflight legislation now before Congress corrects that egregious lapse of regulatory judgement at Grand Canyon and for every other national park unit. It provides for quiet aircraft incentives such as, but limited to, preferred air tour routes and altitudes and relief from curfews and caps. We urge Congress to pass this legislation this session.

Let me provide you with a concrete example of why I have termed NPS's and FAA's regulation of air tours over Grand Canyon as "egregious." Historically, air tours by fixed wing aircraft and helicopters over the east end of Grand Canyon have been over the same route but at different altitudes for safety reasons. In 1994, FAA permitted helicopter operators, but not fixed-wing operators, to fly a vastly shortened route which permitted helicopter tours at one third the cost of the longer tour. The consequence was a dramatic

shift in the east canyon air tour business from approximately 50 percent fixed-wing to just 20 percent today. The result--many more helicopter flights and much more aircraft noise.

Let me put this into perspective. Grand Canyon Airlines operates four 19-passenger Vistaliners. In 1994, it carried 95,000 air tour passengers--declining to just 47,000 passengers in 1997. Every flight by Vistaliner is

absolutely quieter than a flight by the Bell Jet Ranger helicopters used in competition with Grand Canyon Airlines. Every flight by Vistaliner with an average load factor of 15.2 passengers replaces four helicopter flights with an average load factor of four passengers.

Quiet technology for air tour aircraft and helicopters is available now and could be adapted to aircraft models other than the Vistaliner. The benefits of such larger, and quieter, aircraft should be obvious. Not only is each flight less audible, and therefore less noticeable to park ground visitors, but employing quieter aircraft will result in fewer flights in the future. One flight by Vistaliner replaces two flights by the 9-passenger Cessna 402 and three flights by the 6-passenger Cessna 206. With such obvious benefits, it is hard to image why NPS and FAA have done nothing to encourage use of quiet aircraft in air tourism over our national parks.

The air tour industry goal at Grand Canyon has been, and will continue to be, to preserve a quality air tour experience while mitigating to the extent practical air tour aircraft sound for ground visitors, on park resources, and for native Americans living near Grand Canyon National Park. SFAR 50-2 has worked. The next step should be converting all air tour airplanes used at Grand Canyon to quiet aircraft.

Thank you, Mr. Chairman, for your interest in our thoughts. I will be pleased to answer any questions the Committee may have.

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